

### **REMARKS**

In response to the Office Action mailed June 4, 2004, Applicants respectfully request reconsideration. All of claims 1-86 that were previously pending have been canceled, and claims 87-125 have been added. As a result, claims 87-125 are pending for examination, with claims 87, 93, 99, 106, 112 and 119 being independent. No new matter has been added. The claims as presented are believed to be in condition for allowance.

#### **Reason For The Changes To The Claims**

Applicants were motivated to cancel the claims that previously were pending and added claims 87-125 after becoming aware of a potential infringer, not based upon a view that the previously pending claims were not patentable over the prior art of record. Thus, Applicants reserve the right to file one or more continuations to continue pursuit of the cancelled subject matter.

Applicants hope is to achieve a quick allowance of the claims as pending. Thus, if the examiner does not believe that the claims as pending are in condition for allowance, she is requested to contact the undersigned at the number listed below to see whether agreement can be reached as to patentable subject matter in the present application that might result in an allowance as soon as possible.

#### **Overview of Embodiments of the Present Invention**

As described in Applicants' specification at p.3, lines 24-28, the Health Insurance Portability and Accountability Act ("HIPAA") provides guidelines and requirements for the control of patient records and data, so that patient privacy rights may be respected. For example, HIPAA may provide that only certain individuals may access certain information relating to a particular patient.

With conventional systems, determining whether patient data is properly controlled can be difficult. For example, some conventional software applications may provide an interface through which a user may be able to obtain information (e.g., from a log) relating to access attempts that have been made to patient data using that particular application program. Since such a facility typically is provided by the vendor of the software application, the format of the

log may be selected by the vendor, such that the log may not include certain types of desired information. In addition, in an environment having multiple software applications, the user may be forced to use a different interface to extract information based upon the usage of each application program, and no consistency, standardization or compatibility can be expected between one application log and another. As a result, it may be difficult to audit attempts to access patient data by users of all the applications on the system by reviewing the individual application logs, particularly if a large number of applications exist on the system.

In one embodiment of the present invention, a centralized database is provided which stores information related to attempts to access patient data by at least two software applications, and an auditor is provided which includes an interface for extracting information from the centralized database related to attempts to access patient data via the applications. Thus, a user need not access individual application logs to audit attempts to access patient data, and can employ the auditor that provides access to information relating to multiple application programs. The auditor interface may, for example, allow the user to extract information suitable for making an assessment as to compliance with at least one provision of the Health Insurance Portability and Accountability Act (HIPPA). In one embodiment, the system further comprises a context manager that facilitates a sharing of context among multiple applications in accordance with the CCOW standard.

#### The Prior Art of Record

None of the prior art references of record teaches or suggests a system comprising an auditor and a centralized database as recited in the claims as pending.

U.S. Patent No. 6,401,178 to Judge et al. ("Judge") is the only reference relied upon that relates to software applications relating to patient data. Judge discloses a context management system which allows multiple medical applications to share a common context. However, Judge does not disclose or suggest a centralized database to store information related to attempts to access patient data by at least two software applications, nor an auditor that provides an interface to enable the extraction from the centralized database of information suitable for making an assessment as to compliance with at least one HIPPA provision.

As neither Gongwer nor Miller discloses applications for use in the medical field, neither teaches or suggests an auditor for extracting information from a centralized database suitable for making an assessment as to compliance with at least one HIPPA provision.

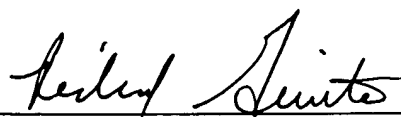
In view of the foregoing, it is believed that the claims as pending patentably distinguish over the prior art of record

### CONCLUSION

A Notice of Allowance is respectfully requested. As mentioned above, Applicants are interested in expediting allowance, and request that the Examiner call the undersigned at the telephone number listed below if this communication is not believed to place the application in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,  
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